

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████
Claimant

Reg. No: 2010-15236
Issue No: 3003
Case No: ██████████
Load No: ██████████
Hearing Date:
March 22, 2010
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a hearing was held on March 22, 2010. Claimant appeared and testified.

ISSUE

Did the Department properly calculate Food Assistance Program benefits?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as a material fact:

1. On September 16, 2009, the Claimant applied for FAP online. Expedited FAP was determined and issued.
2. On October 8, 2009, a DHS 3503, DHS 431, and Expense Statement were sent to the Claimant.
3. On October 12, 2009, the Claimant returned 2007 tax information.

4. On October 26, 2009, a DHS 3503, DHS 431, and Expense Statement were sent to the Claimant for a second time.
5. On November 30, 2009, Claimant submitted copies of bank statements, DHS 431, and other information but failed to supply receipts.
6. On December 21, 2009, the Department completed new FAP budgets using the 25% business deduction resulting in excess income for FAP.
7. On December 28, 2009, Claimant requested a hearing

CONCLUSIONS OF LAW

The Food Assistance Program (FAP)(formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS) administers the FAP program pursuant to MCL 400.10, et seq., and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the present case, Claimant disputes the closure of her FAP benefits. The Department requested, on two separate occasions, business receipts for use in the budget. The Claimant failed to provide them to the Department. The Claimant provided bank statements which her husband uses for his business needs. However, this account is also used for other purposes.

Relevant policy can be found at BAM Item 130, p.2-3:

Obtaining Verification

All Programs

Tell the client what verification is required, how to obtain it, and the due date. Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification.

Use the DHS-3503C, Verification Checklist for Citizenship/Identity to request documentation of citizenship or identity for Medicaid determinations.

The client must obtain required verification, but you must assist if they need and request help.

If neither the client nor you can obtain verification despite a reasonable effort, use the best available information. If **no** evidence is available, use your best judgment.

Verification Sources

All Programs

“**Verification Sources**” of each PEM item lists acceptable verifications for specific eligibility factors. Other, less common sources may be used **if** accurate and reliable.

Use a particular source **if** it is the most reliable (e.g., public records). Otherwise, use the one easiest to obtain.

Relevant policy can be found at BAM Item 502, p.6:

VERIFICATION SOURCES

All TOA

Self-Employment Income

- Business receipts
- Accounting or other business records
- Income tax return
- Other acceptable method that provides needed information
- DHS-431, Self-Employment Statement

Self-Employment Expenses

- Receipts

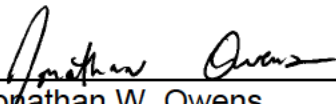
The Department requested, as required by policy, business receipts for both income and expenses. The Claimant failed to provide them for the Department to

consider. The Department correctly re-determined the budget based upon a 25% deduction as allowed by policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services was acting in compliance with Department policy.

Accordingly, the Department's decision is AFFIRMED.



Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 04/15/10

Date Mailed: 04/15/10

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

JWO/dj

cc:

